

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERT SMITH, AS THE NATURAL
GUARDIAN AND NEXT FRIEND OF
MINOR, RILEY SMITH,

Plaintiff,

v.

SCHNEIDER NATIONAL CARRIERS,
INC. AND TACARRUS NASH

Defendants.

Civil Action File No.

1:20-cv-03994-MHC

MOTION OF STEWART MILLER SIMMONS TRIAL
ATTORNEYS FOR PERMISSION TO WITHDRAW AS
COUNSEL FOR PLAINTIFF ROBERT SMITH, AS THE
NATURAL GUARDIAN AND NEXT FRIEND OF MINOR,
RILEY SMITH

Pursuant to Local Rule 83.1(E) for the Northern District of Georgia and Georgia Rules of Professional Conduct 1.9 and 1.16, Stewart Miller Simmons Trial Attorneys (including L. Chris Stewart and Daedrea D. Fenwick) (collectively, “SMS Trial”) hereby requests that the Court enter an order granting SMS Trial permission to withdraw as counsel for Plaintiff Robert Smith, as the natural guardian and next friend of minor, Riley Smith. In support of this motion, the undersigned counsel state as follow:

1. SMS Trial's now former client, Robert Smith, has not responded to their multiple requests to withdraw as counsel in this case, via telephone and email correspondence.

2. Accordingly, under Local Rule 83.1(E) and Georgia Rules of Professional Conduct 1.9 and 1.16, SMS Trial requests permission from the Court to withdraw from the case.

3. Pursuant to Local Rule 83.1(E)(2)(b)(J), SMS Trial has given the Plaintiff at least fourteen days' prior notice of its intention to request permission to withdraw. This notice was served on the Plaintiff via certified mail on March 24, 2021 and is attached (in redacted form) to this Motion. The notice included the following information, as required by Local Rule 83.1(E)(2):

- a) That SMS Trial wishes to withdraw;
- b) The style of the matter from which SMS Trial seeks to withdraw (*Smith v. Schneider et al.*, 1:20-cv-03994-MHC), and the address and telephone number for the Clerk and opposing counsel;
- c) That this court—the United States District Court for the Northern District of Georgia, Atlanta Division—would retain jurisdiction after SMS Trial's withdrawal;
- d) That the Plaintiff has the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served;
- e) That the Plaintiff has the obligation to prepare for trial or

hire other counsel to prepare for trial;

- f) That if the Plaintiff fails or refuses to meet these burdens, it may suffer adverse consequences;
- g) That there are currently no scheduled proceedings in this case, and a trial date has not been set; and
- h) That Plaintiff had the right to object within 14 days of the date when the notice of the attorney's intention to request permission to withdraw was served.

Thereafter, SMS Trial has not received any objections or contact at all from the Plaintiff regarding the notice of intent to withdraw.

WHEREFORE, SMS Trial respectfully requests that the Court enter an Order granting SMS Trial leave to withdraw its appearance in this matter, effective immediately.

This 5th day of May, 2021.

Respectfully submitted,

**STEWART MILLER SIMMONS
TRIAL ATTORNEYS**

/s/ L. Chris Stewart

L. Chris Stewart

Georgia Bar No. 142289

Daedrea D. Fenwick

Georgia Bar No. 543954

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this document by filing with CM/ECF, as prescribed by the Court, which will deliver electronic notification of same to the following:

John D. Dixon
Melody H. Demasi
Dennis, Corry, Smith & Dixon, LLP
900 Circle 75 Parkway, Suite 1400
Atlanta, Georgia 30339

This 5th day of May, 2021.

STEWART MILLER SIMMONS TRIAL ATTORNEYS

/s/ L. Chris Stewart
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